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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

J.R.G., et al.,)	CASE NO. 4:22-cv-05183-KAW
)	
Plaintiffs,)	STIPULATION AND ORDER TO MODIFY
)	REMAINING BRIEFING AND HEARING
v.)	SCHEDULE ON DEFENDANT'S MOTION TO
)	TRANSFER; MOTION TO DISMISS (ECF NO.
UNITED STATES OF AMERICA,)	20) AND TO CONTINUE CASE
)	MANAGEMENT DEADLINES
Defendant.)	
		<u>AS MODIFIED</u>

WHEREAS on September 12, 2022 Plaintiffs filed their Complaint in this action;

WHEREAS pursuant to Federal Rule of Civil Procedure 12(a)(2), the deadline for Defendant to answer or otherwise respond to Plaintiffs' Complaint was December 5, 2022, which was 60 days after service of said Complaint on the United States Attorney;

WHEREAS on November 9, 2022, the parties submitted a stipulation to the Court with (1) a proposed briefing and hearing schedule for a dispositive motion that Defendant intended to file on December 5, 2022; (2) a stipulated request for increased page limits (30 pages for opening and opposition briefs; 18 pages for reply brief) for briefing on Defendant's motion; and (3) a case

STIPULATION AND ORDER AS MODIFIED TO MODIFY REMAINING BRIEFING SCHEDULE ON DEFENDANT'S MOTION TO TRANSFER; MOTION TO DISMISS (ECF NO. 20) AND TO CONTINUE CMC DEADLINES
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management schedule to occur as soon as possible after resolution the Government's motion (ECF No. 14 at 2-3);

WHEREAS on November 10, 2022, the Court entered an "ORDER AS MODIFIED" in which it accepted the parties' stipulated request on briefing and hearing schedule, entered corresponding dates for an initial CMC hearing and statement, but "DENIED" the parties' request for increased page limits for briefing on Defendant's motion (ECF No. 18 at 6);

WHEREAS on December 5, 2022, Defendant filed a Motion to Transfer; Motion to Dismiss with a 25-page memorandum of points and authorities (ECF No. 20);

WHEREAS on January 12, 2023, Plaintiffs filed an opposition to Defendant's Motion to Transfer; Motion to Dismiss with a 29-page memorandum of points and authorities (ECF No. 23); and

WHEREAS Plaintiffs intend to withdraw their pending opposition and re-file a new opposition that complies with the Court's prior ruling on page limits.

Pursuant to Civil Local Rules 6-2 and 7-12, and subject to the Court's approval, the parties stipulate as follows:

1. Plaintiffs will withdraw their opposition papers to Defendant's Motion to Transfer; Motion to Dismiss (ECF Nos. 23-25).

2. The revised briefing and hearing schedule on Defendant's Motion to Transfer; Motion to Dismiss (ECF No. 20) shall be:

Plaintiffs' amended opposition	February 3, 2023
Defendant's reply	February 14, 2023
Hearing	March 2, 2023

3. Consistent with the approximate two-week extension in the briefing and hearing schedule, the initial Case Management Conference shall be continued two weeks from April 25, 2023 to May 9, 2023 and the CMC statement shall be due on May 2, 2023.

IT IS SO STIPULATED.

Dated: January 30, 2023

LAW OFFICE OF JULIANNA RIVERA

STIPULATION AND ORDER AS MODIFIED TO MODIFY REMAINING BRIEFING SCHEDULE ON DEFENDANT'S MOTION TO TRANSFER; MOTION TO DISMISS (ECF NO. 20) AND TO CONTINUE CMC DEADLINES
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By: /s/ Julianna Rivera
Julianna Rivera

NORTHWEST IMMIGRANT RIGHTS PROJECT

By: /s/ Matt Adams
Matt Adams
Aaron Korthuis

Counsel for Plaintiffs

Dated: January 30, 2023

Respectfully submitted,

STEPHANIE M. HINDS
United States Attorney

/s/ Kenneth W. Brakebill
Kenneth Brakebill
Assistant United States Attorney

Counsel for the United States of
America

ECF ATTESTATION

In accordance with Civil Local Rule 5-1(h)(3), I, Kenneth Brakebill, attest that I have obtained concurrence in the filing of this document from all other signatories listed here.

DECLARATION OF KENNETH BRAKEBILL

I, Kenneth Brakebill, declare and state as follows:

1. I am an Assistant United States Attorney for the Northern District of California and counsel for the United States of America in this action. I have personal knowledge of the matters set forth below, except those matters that are based on information and belief, which I believe to be true, and could and would testify competently to them if called to do so.

2. I submit this declaration in support of the Stipulation and [Proposed] Order to Modify Remaining Briefing and Hearing Schedule on Defendant's Motion to Transfer; Motion to Dismiss and to Continue Case Management Deadlines pursuant to Civil Local Rules 6-2 and 7-12.

3. Plaintiffs, consisting of an immigrant parent and child who crossed the border into Texas in May 2018, filed an 18-page complaint in this action pursuant to the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b)(1), 2671-2680. Plaintiffs assert three separate claims for relief, including intentional infliction of emotional distress, abuse of process and wrongful child abduction. ECF No. 1.

4. On November 9, 2022, the parties stipulated to and requested a briefing schedule for the dispositive motion the Government planned to file on December 5, 2022 in response to the Complaint. ECF No. 14. That briefing schedule altered the normal 35-day motion calendar to allow additional time for the parties to address the myriad issues raised in the Complaint and also accommodate the holiday schedule. The parties also requested that their briefings on any responsive pleading be permitted to slightly exceed the 25-25-15 page limits set forth in Civil Local Rules 7-2 and 7-3 for motion-opposition-reply, with Defendant being permitted 30 pages for its motion, Plaintiffs be permitted 30 pages for their opposition, and Defendant be permitted 18 pages for its reply. *Id.* at 2.

5. On November 10, 2022, the Court entered an order "AS MODIFIED" granting the parties' stipulated request on the briefing and hearing schedule, but "DENIED" the parties' request for increased page limits for briefing on Defendant's motion. ECF No. 18 at 6.

6. On December 5, 2022, Defendant filed a Motion to Transfer; Motion to Dismiss that included a 25-page memorandum of points and authorities. ECF No. 20.

7. On January 12, 2023, Plaintiffs filed an opposition to Defendant's Motion to Transfer; Motion to Dismiss that included a 29-page memorandum of points and authorities. ECF No. 23.

8. After a meet and confer among counsel for the parties, Plaintiffs agreed to withdraw their pending opposition papers (ECF Nos. 23-25) and to re-file a new opposition that complies with the Court's prior ruling on page limits. The parties also agreed to a revised schedule for briefing and hearing on Defendant's motion:

Plaintiffs' amended opposition February 3, 2023

Defendant's reply February 14, 2023

Hearing March 2, 2023

9. Consistent with the approximate two-week extension in the briefing and hearing schedule, the parties respectfully request that the initial Case Management Conference be continued two weeks from April 25, 2023 to May 9, 2023 and the CMC statement shall be due on May 2, 2023.

10. The only previous time modification in this case occurred on November 10, 2022, when upon the parties' stipulated request on November 9, 2022, they requested an extended briefing and hearing schedule on Defendant's Motion to Transfer; Motion to Dismiss and a case management schedule conforming to this extending briefing and hearing schedule.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: January 30, 2023

/s/ Kenneth Brakebill

Kenneth Brakebill

Assistant United States Attorney

ORDER AS MODIFIED

Pursuant to stipulation, IT IS SO ORDERED that:

1. Plaintiffs shall withdraw their opposition papers to Defendant's Motion to Transfer; Motion to Dismiss (ECF Nos. 23-25) by February 1, 2023.
2. The revised briefing schedule for Plaintiffs' opposition and Defendant's reply, with 25-page and 15-page limits respectively, shall be as follows:

Plaintiffs' amended opposition	February 3, 2023
Defendant's reply	February 14, 2023
Hearing	April 6, 2023
3. Consistent with the approximate two-week extension in the briefing and hearing schedule, the initial Case Management Conference shall be continued two weeks from April 25, 2023 to May 9, 2023 and the CMC statement shall be due on May 2, 2023.

DATED: February 3, 2023


HON. KANDIS A. WESTMORE
United States Magistrate Judge